

Amendment and Response

Applicant: Thomas A. Saks

Serial No.: 09/940,363

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Docket No.: 100I1180-1

Title: MEASUREMENT AND MARKING DEVICE

REMARKS

The following remarks are made in response to the Final Office Action mailed January 24, 2003, in which claims 1-9, 12-16, 18-25, and 27-29 were rejected. With this Amendment, claims 3, 19, 24, and 25 have been cancelled without prejudice, claims 30-33 have been added, and claims 1, 4, 14, 15, 18, 20-23, and 27-29 have been amended to clarify Applicant's invention. Claims 1, 2, 4-9, 12-16, 18, 20-23, and 27-29, therefore, remain pending in the application and are presented for reconsideration allowance.

Claim Objections

Claims 14 and 22 are objected to because of informalities. More specifically, in claim 14, lines 6 and 9, and claim 22, lines 6 and 16, the Examiner suggests that the phrase "communicated with" be changed to --communicating with--.

With this Amendment, claim 14, lines 6 and 9, and claim 22, lines 6 and 16, have been amended to change the phrase "communicated with" to --communicating with-- as suggested by the Examiner. Applicant, therefore, respectfully requests that the objection to claims 14 and 22 be reconsidered and withdrawn and that claims 14 and 22 be allowed.

Claim Rejections under 35 U.S.C. § 102

Claims 1-9, 12-16, 18-25, and 27-29 are rejected under 35 U.S.C. 102(b) as being anticipated by the Wiklof et al. U.S. Patent No. 5,825,995.

With this Amendment, independent claim 1 has been amended to clarify that the measurement and marking device includes a user interface mounted on the housing and communicating with the controller wherein the user interface includes an input configured for operation by a user and the controller is adapted to record the position of the housing relative to the object when the input of the user interface is operated by the user. In addition, independent claim 14 has been amended to clarify that the method of printing a measurement marking on an object includes receiving and storing a predetermined position for printing of the measurement marking at a controller mounted within a housing, and that printing the measurement marking on the surface of the object includes printing the measurement marking on the surface of the object when the position of the housing relative to the object corresponds to the predetermined position. Furthermore, independent claim 22 has been

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amended to clarify that locating a feature of the first object in the method of transferring a measurement of a first object to a second object includes receiving user input at the feature of the first object and recording the position of the housing at the feature of the first object with a controller mounted in the housing.

With respect to the Wiklof et al. patent, this patent does not teach or suggest a measurement and marking device, as claimed in claim 1, wherein the controller is adapted to record the position of the housing relative to the object when the input of the user interface is operated by the user, nor a method of printing a measurement marking on an object, as claimed in claim 14, including receiving and storing a predetermined position for printing of the measurement marking at a controller mounted within a housing and printing the measurement marking on the surface of the object when the position of the housing relative to the object corresponds to the predetermined position, nor a method of transferring a measurement of a first object to a second object, as claimed in claim 22, wherein locating a feature of the first object includes receiving user input at the feature of the first object and recording the position of the housing at the feature of the first object with a controller mounted in the housing.

In view of the above, Applicant submits that independent claims 1, 14, and 22 are patentably distinct from the Wiklof et al. patent and, therefore, in a condition for allowance. Furthermore, as dependent claims 2, 4-9, 12, and 13 further define patentably distinct claim 1, dependent claims 15, 16, 18, 20, and 21 further define patentably distinct claim 14, and dependent claims 23 and 27-29 further define patentably distinct claim 22, Applicant submits that dependent claims 2, 4-9, 12, 13, 15, 16, 18, 20, 21, 23, and 27-29 are also in a condition for allowance. Applicant, therefore, respectfully requests that the rejection of claims 1-9, 12-16, 18-25, and 27-29 under 35 U.S.C. 102(b) be reconsidered and withdrawn and that claims 1, 2, 4-9, 12-16, 18, 20-23, and 27-29 be allowed.

CONCLUSION

In view of the above, Applicant respectfully submits that pending claims 1, 2, 4-9, 12-16, 18, 20-23, and 27-29 are all in condition for allowance and requests reconsideration of the application and allowance of all pending claims.